

Development Management Delegated Decision Report

B/21/0320



SUMMARY OF APPLICATION

Application Reference	B/21/0320		
Application Type	Notification to carry out works on trees		
Proposal	Application for works to trees within a conservation area to include: Eucalyptus (T1) Reduce by 50% due to damage to property Mature Lime (T2) Reduce crown by 25%, crown clean and raise Limes (T3 & T4) Crown raise and clean, reduce back branches growing over neighbour's drive Willow (T5) Remove self set to ground level Poplar (T6) Remove self set to ground level Buddleja (T7) Remove to ground level due to damage to property Mature Beech (T8) Crown raise & reduce crown spread to clear building Ornamental Plum & Hawthorn (T9) Reduce back to boundary as is growing over pavement		
Location	55, Spilsby Road, Boston PE21 9NX		
Applicant	Mr Gavin Jones		
Agent			
Received Date:	05-Jul-2021	Consultation Expiry Date:	
Valid Date:	05-Jul-2021	Statutory Expiry Date:	16-Aug-2021
Date of Site Visit:	09-Jul-2021	Extension of Time Date:	
Objections received?			
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Do not make a tree preservation order in respect of these trees		
Report by:	Peter Udy		
Date:	09-Jul-2021		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site is on the south east side of Spilsby Road adjacent the footpath and cycleway to Ashlawn Drive. There are a number of trees in the street scene. On this side of the road they are generally smaller in size in this location, although there is a large Beech to the north east that has been recently pollarded. On the opposite side of the road there are some maturing trees in front of semi-detached and terraced property.



DETAILS OF PROPOSAL:

It is proposed to reduce the size of the crown and clean out the crown of six trees and to remove two trees. A ninth 'tree' is a shrub and consent is not normally required.

RELEVANT HISTORY:

B/11/0226 Application for works to 2 Lime trees on the boundary between 53 and 55. Trim back to previously pollarded level (1997). Approved

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The trees are located within the Boston (Spilsby Road) Conservation Area. In considering a Section 211 Notice, the Borough Council essentially has two options: to make a tree preservation order if justified in the interests of amenity; or to decide not to make a tree preservation order, in which case the proposed works can be carried out.

The provisions of the Government's Planning Practice Guidance are of relevance. The Guidance states that, in deciding whether a tree in a conservation area merits TPO protection "the authority's main consideration should be the amenity value of the tree. In addition, authorities must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Even if the tree's amenity value may merit an Order the authority can still decide that it would not be expedient to make one."

CONSULTATION RESPONSES:

No consultation responses have been received.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

T1 Eucalyptus - This is close to the rear of the property and visible from the adjacent footpath over the roofs. It is starting to foul the roofs. The owner has been advised not to take it out in one go as it might cause damage to the dwelling. Given its position, removal would be reasonable and so the 50% reduction is acceptable.

T2 Lime - This is visible over the adjacent bungalow roof from Spilsby Road. It is larger than T3 and T4. The 25% reduction will even them up. The crown is very congested.

T3 Lime - This is visible over the adjacent bungalow roof from Spilsby Road. It is close to the adjacent bungalow. An application in 2011 permitted trimming back to the previous pollarded points in 1997. This explains why this tree is smaller than T2. Once a tree is pollarded the regrowth point is a weak spot and so the proposed work is reasonable.

T4 Lime - This is visible in front of the adjacent bungalow from Spilsby Road. It is close to the adjacent bungalow. An application in 2011 permitted trimming back to the previous pollarded points in 1997. This explains why this tree is smaller than T2. Once a tree is pollarded the regrowth point is a weak spot and so the proposed work is reasonable.

T5 Willow - This is on the Spilsby Road frontage. It is quite young with stems probably slightly over the 75mm limit for removal to be exempt. Removal is reasonable.

T6 Poplar - This is behind the Willow and is also quite young with stems probably slightly over the 75mm limit for removal to be exempt. It is also very close to the house. Removal is reasonable.

T7 Buddlea - This is a shrub and does not usually require consent to be removed. It has grown into a small tree with stems probably slightly over the 75mm limit for removal to be exempt. Removal is reasonable.

T8 Beech - This is beginning to overhang Spilsby Road and overhangs the footpath and cycleway link to Ashlawn Drive. It is about 4m above the adjoining footpath. It is also growing up to the corner of the house. The proposed work is reasonable.

T9 Ornamental Plum and Hawthorn - These are growing low over the footpath. Walkers would have to duck down below them. Reducing this back to avoid making a nuisance on the footpath beside Spilsby Road is reasonable and could be exempt work if Lincolnshire County Council required it to be done.

CONCLUSION:

The proposals will have only very limited impacts upon local amenity or the character and appearance of the Conservation Area.

RECOMMENDATION:

Do not make a tree preservation order in respect of these trees.